UNITED NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1996/SR.53
29 April 1996

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 53rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 April 1996, at 6 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

CONTENTS

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

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GE.96-12791 (E)

CONTENTS (continued)

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (continued)

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (continued)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (continued)

The meeting was called to order at 6.40 p.m.

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS (agenda item 9) (continued) (E/CN.4/1996/L.45, 49, 50, 53, 62, 65, 69, 72, 73, 77, 79, 82, 83 and 89)

Draft resolution on internally displaced persons (E/CN.4/1996/L.89)

1. Mr. STROHAL (Austria), introducing the draft resolution on behalf of the sponsors, said that as a result of three minor changes made in the draft text, the sixth paragraph of the preamble now read "Recognizing that the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating specific rights for their protection,". Moreover, in paragraph 16, the words "through regional approaches" should be added after "facilitate" and in paragraph 19 the words "within existing resources" should be inserted after "to provide the representative".

2. He expressed the hope that the draft would be adopted without a vote.

3. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Australia, Canada, Denmark, France, Germany, and the Russian Federation and the observers for Finland, Liechtenstein, Sweden and Uruguay had also become sponsors of the draft resolution.

4. The draft resolution, as orally revised, was adopted without a vote.

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (agenda item 8) (continued) (E/CN.4/1996/L.37/Rev.1, 39/Rev.1, 51, 58-61, 63/Rev.1, 64/Rev.1, 74, 76, 84; E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chapter 1A, draft resolution I)

Draft resolution on the right to freedom of opinion and expression (E/CN.4/1996/L.84)

5. Ms. ASSELIN (Canada), introducing the draft resolution on behalf of the sponsors, said that a few changes had been made in the text. In the first place, the following new paragraph should be added after the thirteenth paragraph of the preamble: "Taking note of the need to raise awareness about the linkages between the media, including modern telecommunications technologies and the right to freedom of expression and information, mindful of provisions of relevant international instruments". Although she had been unable to consult all the sponsors owing to a lack of time, she hoped that most of them would be able to support that addition. Moreover, the end of the second line of the sixth paragraph of the preamble should be amended to read "... the right to seek, receive and impart information ..." and "(E/CN.4/1996/39)" added to the end of the tenth paragraph of the preamble.

6. Mr. MÖLLER (Secretary of the Commission) said that the delegations of Brazil, Bulgaria, Cameroon, Chile, Colombia, Côte d'Ivoire, the Dominican Republic, Ecuador, Germany, Guinea, India, Italy, Japan, Malawi, the Netherlands, Nepal, Nicaragua, Peru, the Philippines, the Russian Federation, Uganda, Ukraine, the United Kingdom and Venezuela and the observers for Argentina, Finland, Ireland, Luxembourg and Switzerland had also become sponsors of the draft resolution.

7. Mr. BENITO (Financial Resources Management Service), referring to rule 28 of the Commission's rules of procedure, said that adoption of the draft resolution would not have any additional financial implications under section 21 of the programme budget for the current biennium.

8. The draft resolution as orally revised, was adopted without a vote.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 17) (continued) (E/CN.4/1996/L.46, 54 and Corr.1, 67, 68, 71, 80 and 81)

Draft resolution on the situation of human rights in Cambodia (E/CN.4/1996/L.46)

9. Mr. WILLIS (Australia), introducing the draft resolution on behalf of the sponsors, reviewed its provisions. Australia had made a great effort to ensure that the Cambodian Government was kept informed of negotiations in Geneva and he had just learned that Cambodia might consider becoming a sponsor.

10. Mr. MÖLLER (Secretary of the Commission) said that the delegations of Austria, Canada, El Salvador, France and the Netherlands and the observers for Ireland, New Zealand, Norway and Switzerland had also become sponsors of the draft resolution.

11. Mr. BENITO (Financial Resources Management Service), referring to rule 28 of the Commission's rules of procedure, said that adoption of the draft resolution would not have any financial implications for the regular human rights budget for the current biennium.

12. The draft resolution was adopted without a vote.

Draft resolution on advisory services, technical cooperation and the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1996/L.67)

13. Mr. HELLBACH (Germany), introducing the draft resolution on behalf of the sponsors, explained that a few changes had been made to the text. Consequently, the end of paragraph 1 after the words "at the request of Governments," should be replaced by "assistance designed to strengthen national capacities for the promotion and protection of all human rights, achieve equality and enhance the rule of law and democracy". In paragraph 2, the words "programme of advisory services and technical cooperation" should replace "technical cooperation programme". In paragraph 4 the words "including exchange of staff" in the fourth line should be deleted. The end of paragraph 5 after the words "United Nations Development Programme" should be replaced by "activities and carrying out joint projects". Lastly, in paragraph 11, the words "/the Centre for Human Rights" should be inserted after "High Commissioner for Human Rights".

14. Mr. MÖLLER (Secretary of the Commission) said that the delegations of Belarus, Benin, Brazil, the Dominican Republic, India, Japan, the Netherlands, the United Kingdom, and the United States of America, and the observers for the Czech Republic, Greece, Latvia, New Zealand, South Africa, Spain, Switzerland and Togo had also become sponsors of the draft resolution.

15. The draft resolution, as orally revised, was adopted without a vote.

Draft resolution on assistance to States in strengthening the rule of law (E/CN.4/1996/L.68)

16. Mr. LINDGREN ALVES (Brazil), introducing the draft resolution on behalf of the sponsors, hoped that the text would make a substantive contribution to the funding of democratic institutions, which were essential to the cause of human rights.

17. Mr. MÖLLER (Secretary of the Commission) said that the delegations of Canada, Madagascar and the United Kingdom and the observers for Honduras and Togo had also become sponsors of the draft resolution.

18. The draft resolution was adopted without a vote.

Draft resolution on assistance to Somalia in the field of human rights (E/CN.4/1996/L.71)

19. Mr. TORELLA di ROMAGNANO (Italy), introducing the draft resolution on behalf of the sponsors, which had been joined by the delegation of Canada and the observers for Finland, New Zealand, Poland and Romania, said that the

human rights situation in Somalia continued to be of serious concern and that there had been very little progress towards reconciliation. In the circumstances, it had been extremely difficult for the independent expert to carry out his mandate under Commission resolution 1995/56. The resolution called for full respect for human rights and humanitarian law and requested the independent expert to submit a progress report to the Commission at its fifty-third session. He hoped that the draft resolution would be adopted by consensus.

20. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Australia, Denmark and Japan and the observer for Sweden had also become sponsors of the draft resolution.

21. Mr. BENITO (Financial Resources Management Service), explaining the programme budget implications of the draft resolution in accordance with rule 28 of the Commission's rules of procedure, said that an appropriation of some US$ 47,000 had been made in the programme budget for the 1996-1997 biennium to cover the mandate of the independent expert. Accordingly, the draft resolution would not, if adopted, give rise to additional requirements under section 21 (human rights) of the programme budget.

22. The draft resolution was adopted without a vote.

Draft resolution on the situation of human rights in Haiti (E/CN.4/1996/L.80)

23. Mr. SUÁREZ (Venezuela), introducing the draft resolution on behalf of the Group of Friends of Haiti, said that it focused on respect for human rights as a pillar of democracy in Haiti and on the principle of cooperation by the international community in support of action to that end by the Haitian Government. He hoped that the draft resolution would be adopted, as in the previous year, by consensus.

24. In paragraph 9 the words "within existing means" should be inserted after "ensure".

25. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Australia, Brazil, Denmark, Ecuador, France, Hungary, Japan, the Netherlands, Peru and the United States of America and the observers for Costa Rica, Honduras, Luxembourg, Spain and Uruguay had also become sponsors of the draft resolution.

26. Mr. BENITO (Financial Resources Management Service), explaining the programme budget implications of the draft resolution in accordance with rule 28 of the Commission's rules of procedure, said that an appropriation of some US$ 120,000 had been made in the programme budget for the 1996-1997 biennium to cover the mandate of the independent expert. Accordingly, the draft resolution would not, if adopted, give rise to additional requirements under section 21 (human rights) of the programme budget.

27. The draft resolution was adopted without a vote.

Draft resolution on assistance to Guatemala in the field of human rights (E/CN.4/1996/L.81)

28. Mr. de ICAZA (Mexico), introducing the draft resolution on behalf of the sponsors, which had been joined by the delegations of France, Germany and Hungary and the observer for Greece, said that the text was the result of negotiations that had led for the first time to a consensus in the Commission among all the parties concerned. He trusted that the same spirit of compromise would result in the signing of a lasting peace agreement during 1996.

29. After drawing attention to a number of editorial changes in the various language versions, he expressed the hope that the draft resolution would be adopted without a vote.

30. Mr. MÖLLER (Secretary of the Commission) announced that the delegations of Ecuador and El Salvador had also become sponsors of the draft resolution.

31. Mr. BENITO (Financial Resources Management Service), explaining the programme budget implications of the draft resolution in accordance with rule 28 of the Commission's rules of procedure, said that an appropriation of some US$ 80,000 had been made in the programme budget for the 1996-1997 biennium to cover the activities envisaged in the draft resolution. Accordingly, the draft resolution would not, if adopted, give rise to additional requirements under section 21 (human rights) of the programme budget.

32. The CHAIRMAN said he took it that the Commission wished to adopt the draft resolution, as orally revised, without a vote.

33. It was so decided.

The meeting rose at 8.05 p.m.